

Application No.: 10/750,873  
Art Unit 3744

Attorney Docket No. 3449-0292P  
Reply to April 14, 2005 Office Action  
Page 5

## *REMARKS*

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-8 are now present in this application. Claims 1 and 2 are independent.

Amendments have been made to claims 1, 2, 4, 7 and 8. No new matter is involved. Reconsideration of this application, as amended, is respectfully requested.

### *Priority Under 35 U.S.C. § 119*

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

### *Rejection Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph*

Claims 1-8 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language is not clearly understood.

In order to overcome this rejection, Applicants have amended claims 1, 2, 4, 7 and 8 to correct each of the deficiencies specifically pointed out by the Examiner. Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Applicants respectfully disagree with the statement that claim 1 does not directly correspond to Applicants' invention because claim 1 is an original claim and, as such, it is part of Applicants' originally filed disclosure. It is well settled that the claims as filed are part of the specification, and may provide or contribute to compliance with Section 112. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 938, 15 USPQ2d 1321, 1326 (Fed. Cir. 1990) (the original claims are part of the patent specification); In re Benno, 768 F.2d 1340, 1346, 226 USPQ 683, 686-87 (Fed. Cir. 1985); In re Frey, 166 F.2d 572, 575, 77 USPQ 116, 119 (CCPA 1948), cited in Hyatt v. Boone, 47 USPQ2d 1128, 1130 (Fed. Cir. 1998).

Nevertheless, Applicants have amended claims 1, 2, 4, 7 and 8 to particularly point out and distinctly claim Applicants' invention.

Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claim 2 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,614,091 to Frank et al. ("Frank"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 2 has been amended to positively recite a number of features neither disclosed nor suggested by Frank.

Frank's refrigeration system does not employ a compressor that generates vibrations. Instead, Frank's refrigeration system uses a dry ice condenser, which is a compressor-less system that has no need to reduce vibrations, which are not generated by the dry ice.

Claim 2, as amended, recites a combination of features, including a piping structure of an air conditioner having a compressor, in which pipings are subject to vibration when the air conditioner compressor is operated, and a piping part at a predetermined slant angle to reduce vibration of the piping structure when the air conditioner compressor is operated.

Frank neither discloses nor suggests such a combination of features.

Reconsideration and withdrawal of this rejection of claim 2 is respectfully requested.

Claims 1 and 3-8:

Claims 1 and 3-8 were not rejected on their merits because of their alleged obvious informality. Accordingly, Applicants are entitled to a non-final Office Action on the merits of claims 1 and 3-8 in the next Office Action. Compare MPEP §702.01.

Applicants respectfully submit that claims 1 and 3-8, as amended, are clear and clearly define over Franks.

Claims 1 and 3-8, as amended, recite a combination of features, including a piping structure of an air conditioner having a compressor, in which pipings are subject to vibration when the air conditioner compressor is operated, and a piping part slanted at a predetermined angle to reduce vibration of the piping structure when the air conditioner compressor is operated.

Franks neither discloses nor suggests such a combination of features.

Additional Cited References

Because the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Applicants also ask that any subsequent Office Action that contains grounds of rejection on the merits of claims 1 and 3-8 be a non-final Office Action because claims 1 and 3-8 have not been rejected on their merits with respect to prior art and Applicants are entitled to be able to respond on the merits under 37 CFR §1.111 to the first instance of the rejection of each and every claim on its merits with respect to prior art.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Application No.: 10/750,873  
Art Unit 3744

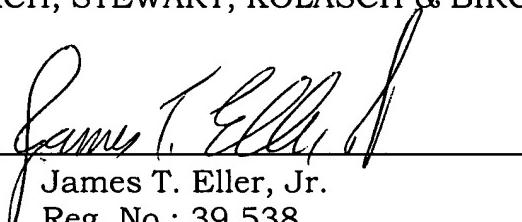
Attorney Docket No. 3449-0292P  
Reply to April 14, 2005 Office Action  
Page 10

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:



James T. Eller, Jr.  
Reg. No.: 39,538

JTE/RJW:slb/gf

(pm)

P.O. Box 747  
Falls Church, Virginia 22040-0747  
Telephone: (703)205-8000